REMARKS

Applicant has carefully studied the Office Action of 14 March 2003 and offers the following remarks.

The Office Action initially states that drawings 4, 7, and 8 were not filed, pointing to form PTO/SB/05, which states that only Figures 1-3 were submitted during the filing. Applicant appreciates the phone conversation with the Examiner on 03 April 2003, when this issue was discussed. At that time, the Examiner indicated that this application had a full complement of drawings and that no drawings were required. This objection was erroneously included from the Office Action for the parent case.

Applicant acknowledges the provisional double patenting rejection in light of co-pending U.S. Application Serial No. 09/218,808. As this rejection is still provisional, Applicant does not respond substantively. If and when one application matures into a patent, Applicant will respond to this rejection.

Claims 1, 11, 13, 21, 31, 33, 43, and 45-51 were rejected under 35 U.S.C. § 103 as being obvious over Lu et al. in view of Focarile et al. Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every claim element is located in the combination. MPEP § 2143.03. If the Patent Office fails to show where a claim element may be found, the Applicant has no need to come forward with evidence of non-obviousness, and the claim is patentable over the rejection of record. MPEP § 2142.

With respect to claims 1, 13, 21, 45, and 47, the Patent Office alleges that Lu et al. teaches "a method of providing end office wireline telephony services to wireless subscribers . . . such that the wireless call can utilize all of the wireline services associated with an end office telephony switching network." The Patent Office then admits that Lu et al. does not teach "mapping a subscriber's wireless telephony protocol to a packet data network protocol nor managing the subscriber's wireless mobility services for a wireless call." The Patent Office relies on Focarile et al. for those two elements. Assuming, *arguendo*, that the Patent Office if correct and the references do in fact teach the referenced elements, there remains a claim element that has not been shown by the Patent Office. Because this claim element is not shown in the references individually or by the combination, the Patent Office has not established *prima facie* obviousness and the claims are patentable over the rejection of record.

Specifically, claim 1 recites "mapping the packet data network protocol information pertaining to said wireless call to an end office access protocol . . . ." The Patent Office has not addressed this claim element with respect to either reference, so the combination does not show the claim element. There are two mapping functions in the claim - one on each end of the packet data network. The Patent Office has only alleged that one mapping is shown by the combination. Absent a showing of this element, the claim is patentable over the rejection of record.

Claim 11 depends from claim 1 and is patentable at least for the same reasons. The Patent Office, in its analysis of claim 11, does not cure the deficiency of the underlying rejection, and thus, claim 11 is patentable over the rejection of record.

Claim 13 likewise recites "mapping the packet data network protocol information pertaining to the packet data network call to an end office access protocol . . . ." The Patent Office has grouped claim 13 together with claim 1 in its analysis and provides no independent analysis of claim 13 and its claim elements. The end office quoted language is not addressed by the Patent Office, and, as a result, is not shown by the Patent Office to be in the combination of record. The mapping from a wireless protocol to a data packet network protocol alleged to be in Focarile et al. is not the same as the mapping to the end office protocol, and, thus, does not meet the Patent Office's burden in establishing *prima facie* obviousness. To this extent, claim 13 has an element that has not been shown by the Patent Office, and the claim is patentable over the rejection of record.

Claim 21 is a system claim closely analogous to claim 1, and the reasons for patentability of claim 1 are also applicable to claim 21. Specifically, the Patent Office has not shown where the mapping to the end office access protocol is shown by the combination.

Claim 31 depends from claim 21 and is patentable at least for the same reasons. Nothing in the analysis of claims 11, 31, and 43 cures the deficiency of the Patent Office's underlying combination, and thus, claim 31 is patentable over the rejection of record.

Claim 33 is comparable to claim 1, albeit in computer software form. Specifically, claim 33 recites the "mapping the packet data network protocol information pertaining to said wireless call to an end office access protocol . . . ." As explained above, this element is never addressed by the Patent Office, nor is it shown by the combination of record. To this extent, claim 33 is patentable over the combination of record.

Claim 43 depends from claim 33 and is patentable at least for the same reasons. Nothing in the analysis of claims 11, 31, and 43 cures the deficiency of the Patent Office's underlying combination, and thus, claim 43 is patentable over the rejection of record.

Claim 45 recites "an end office gateway for providing protocol conversion between the packet data network and the end office access protocol . . . ." As discussed above, there is nothing in the Patent Office's analysis of the combination that shows the conversion to the end office access protocol. To this extent, claim 45 has an element that has not been shown by the Patent Office, and the claim is patentable over the rejection of record.

Claims 46-51 depend from allowable claim 45 and are patentable at least for the same reasons that claim 45 is patentable. Nothing in the analysis of claims 46-51 cures the deficiency of the Patent Office's underlying combination, and thus, claims 46-51 are patentable over the combination of record.

The Patent Office has not made any effort to identify a claim element in the combination advanced by the Patent Office in its rejection of the claims. The Patent Office alleges to have shown wireless to data packet network protocol conversion, but there is nothing in the record or the combination of references that shows the mapping to the end office access protocol. To this extent, the Patent Office has failed to establish *prima facie* obviousness for claims 1, 11, 13, 21, 31, 33, 43, and 45-51. Since the Patent Office has not established *prima facie* obviousness, the claims are allowable over the rejection of record. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

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